

IN THE UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF OHIO  
EASTERN DIVISION

**ADAM FRIED, ADMINISTRATOR,  
ESTATE OF DESMOND FRANKLIN,**

Plaintiff,

vs.

**JOSE GARCIA,**

Defendant.

) CASE NO.: 1:22-CV-00061  
)  
) JUDGE DAN AARON POLSTER  
)  
)  
)  
)  
)  
)

---

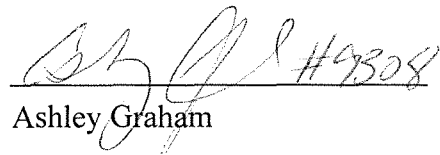
**DECLARATION OF ASHLEY GRAHAM**

---

Pursuant to 28 U.S.C. § 1746, I hereby certify under the penalty of perjury the following is true and correct:

1. My name is Ashley Graham. I have personal knowledge of all facts contained herein.
2. I am the Sergeant in the Cleveland Division of Police Policy Unit.
3. Attached as Exhibit 1 is a true and accurate copy of the Manual of Rules for the Conduct and Discipline of Employees of the Cleveland Division of Police, 2012. This Manual was in effect on April 9, 2020.

I declare under penalty of perjury that the foregoing is true and accurate. Executed on the 20<sup>th</sup> Day of March, 2024.

  
Ashley Graham

Frank G. Jackson  
Mayor

Martin L. Flask  
Safety Director

Department of Public Safety

Michael McGrath  
Chief of Police

Division of Police  
Cleveland, Ohio

The Manual of Rules  
for the  
Conduct and Discipline  
of Employees  
of the  
Cleveland Division of Police  
2012

(Revised – October 1, 2012 *changes are italicized*)

EXHIBIT

1

## Table of Contents

Table of Contents .....	2
Mission Statement .....	3
Statement of Policy .....	4
Oath of Office .....	5
Law Enforcement Code of Ethics .....	5
Definitions .....	6
Rules.....	8
I.    Sworn Police Ranks .....	8
II.   Administrative Compliance.....	11
III.  Ethics.....	13
IV.  Duty.....	14
V.   Behavior.....	16
VI.  Vehicles and Equipment.....	17
VII. Communication.....	18
VIII. Prisoners.....	19
IX.  Reporting.....	20
X.   Schedule and Duty Hours.....	22
Index .....	23

## **CITY OF CLEVELAND MISSION STATEMENT**

We are committed to improving the quality of life in the City of Cleveland  
by strengthening our neighborhoods, delivering superior services,  
embracing the diversity of our citizens, and making Cleveland a desirable,  
safe city in which to live, work, raise a family, shop, study, play, and grow old.

### **DIVISIONAL VALUES: PRIDE**

#### **PROFESSIONALISM**

We take pride in ourselves, our profession and our community. Working as a team, we will be role models for our community by enthusiastically excelling in quality performance.

#### **RESPECT**

We consistently treat all people with dignity, compassion, courtesy, and without prejudice. We will protect the constitutional and civil rights of everyone through impartial enforcement of the law.

#### **INTEGRITY**

We uphold the public trust by being honest, competent, and consistent in our beliefs and actions. We hold ourselves accountable to the highest standards of moral and ethical conduct.

#### **DEDICATION**

We dedicate ourselves to improve the quality of life by developing a partnership with the community. We are committed to protecting life and property, reducing fear, and providing a safe environment for all.

#### **EXCELLENCE**

We hold ourselves to the highest standards of law enforcement. We will continuously improve the quality of our services through education, training and development.

## **STATEMENT OF POLICY**

The rules of conduct contained in this manual are administered under the provisions of the Charter of the City of Cleveland and the laws of the State of Ohio and are published for the governance, discipline and administration of officers and employees of the Division of Police.

The Manual of Rules sets forth the conduct and behavior to be followed by officers and employees. Any violation of these rules shall be a basis for disciplinary action. Disciplinary action includes, but is not limited to, verbal and written reprimands and the preferring of Divisional charges which can result in suspension, loss of pay, demotion or termination. The rules and standards contained in this manual shall apply whether the officer or employee is on or off duty. Where a conflict exists between a Rule and a General Police Order, the Rule provision shall be adhered to.

The community evaluates a police agency based upon the service delivered. The manner in which police officers perform their duties in the preservation of public peace, the apprehension of offenders, and the protection of life and property determine the reputation of a police agency. The conduct of officers and employees, their efficiency, impartiality, and diligence in the execution of their duties is of utmost importance.

The community expects that an officer's every act shall be in the public interest and that all laws shall be enforced without fear, favor, prejudice or bias. This manual has been compiled in order to enhance the image and performance of the Division of Police and to provide for a uniform method of providing the service expected by the community.

Superior officers shall instruct subordinates frequently and exercise diligence in the enforcement of the rules and standards contained in this manual.

Personnel shall study all rules in this manual and shall be held accountable for any action contrary to these directives.

## Oath of Office

I do solemnly swear that I will support the Constitution of the United States, the Constitution and Laws of the State of Ohio, the Charter and Ordinances of the City of Cleveland; obey the rules, orders, and directives of the Division of Police of the City of Cleveland and will discharge the duties of my office to the best of my knowledge and ability, so help me God.

## Law Enforcement Code of Ethics

As a Law Enforcement Officer, my fundamental duty is to serve the community; to safeguard lives and property; to protect the innocent against deception, the weak against oppression or intimidation, and the peaceful against violence or disorder; and to respect the Constitutional rights of all to liberty, equality and justice.

I will keep my private life unsullied as an example to all and will behave in a manner that does not bring discredit to me or my agency. I will maintain courageous calm in the face of danger, scorn, or ridicule; develop self-restraint; and be constantly mindful of the welfare of others. Honest in thought and deed in both my personal and official life, I will be exemplary in obeying the law and regulations of my department. Whatever I see or hear of a confidential nature, or that is confided in me in my official capacity, will be kept ever secret unless revelation is necessary in the performance of my duty.

I will never act officiously or permit personal feelings, prejudices, political beliefs, aspirations, animosities or friendships to influence my decisions. With no compromise for crime and with relentless prosecution of criminals, I will enforce the law courteously and appropriately without fear or favor, malice or ill will, never employing unnecessary force or violence and never accepting gratuities.

I recognize the badge of my office as a symbol of public faith, and I accept it as a public trust to be held so long as I am true to the ethics of police service. I will never engage in acts of corruption or bribery, nor will I condone such acts by other police officers. I will cooperate with all legally authorized agencies and their representatives in the pursuit of justice.

I know that I alone am responsible for my own standard of professional performance and will take every reasonable opportunity to enhance and improve my level of knowledge and competence.

I will constantly strive to achieve these objectives and ideals, dedicating myself before God to my chosen profession...

...Law Enforcement

## Definitions

**The following definitions are provided as an aid in understanding various terms used in this Manual, General Police Orders and Divisional Notices.**

Administrative Unit Any element within the organizational structure of the Division of Police with duty responsibilities and accountabilities to the Chief of Police through the designated chain of command.

Bureau The primary administrative subdivision of an Operation as set forth in the organizational chart.

Chain of Command The succession of officers from a subordinate to a superior through which command is exercised.

Civilian Employee A non-sworn member under the supervision of the Division of Police.

Command To direct, order or control with authority.

Command Officer Any officer appointed to the position of Chief, Deputy Chief, Commander or Traffic Commissioner.

Commanding Officer A superior officer designated by the Chief of Police to command an operation, bureau or district.

Detective An officer assigned to a plainclothes specialized unit or district support unit who primarily initiates investigations and/or conducts follow up investigations for the basic patrol officers/units.

Directive Any oral or written policy, procedure, or instruction of the Division of Police issued by a superior officer to a subordinate.

District The primary geographical subdivision of basic patrol field operations.

Employee Persons employed within the Division of Police.

Member All sworn officers and civilian employees under the supervision of the Division of Police.

Officer Sworn member of the Division of Police having full police authority.

Officer In Charge Any officer so designated by the Chief of Police or by a commanding officer to be in charge of a unit or section or district station house facilities.

Operation The primary administrative subdivision of the Division of Police as set forth in the organizational chart.

Order An oral or written command given by a superior officer to a subordinate.

Personnel A term to be used synonymously with member.

Platoon An administrative unit to which personnel are assigned by tour of duty.

Section The primary administrative subdivision of a bureau or district within the Division of Police.

Sector The primary geographical subdivision of a district.

Sector Supervisor Any superior officer responsible for supervision of officers assigned to a sector.

Shall A word used to indicate a mandatory course of action.

Superior Officer Any sworn officer with the rank of sergeant or above, or civilian employee with supervisory duties as designated by the Chief of Police.

Unit The smallest subdivision of a bureau, district or section.

Will A word used to indicate a mandatory course of action.

Zone The primary geographical subdivision of a sector consisting of one or more census tracts (or portions thereof) patrolled by a police vehicle.



## Rules

### I. SWORN POLICE RANKS

#### 1.01 Chief of Police

The Chief of Police shall be commanding officer of the Division of Police. The Chief shall exercise the authority granted by Chapter 25 of the Charter of the City of Cleveland and shall be responsible to the Mayor through the Director of Public Safety.

The Chief of Police shall have the exclusive right to station, transfer and assign the officers and employees of the Division of Police.

The Chief shall promulgate such orders as needed to maintain discipline, decorum and dignity, and may suspend from duty any officer or employee for violation of any rules of the Division of Police pending a hearing before the Director of Public Safety.

#### 1.02 Deputy Chief of Police

The Mayor may designate ranking officers to serve in the capacity of Deputy Chief who shall perform such duties as are assigned by the Chief.

#### 1.03 Commander of Police/Traffic Commissioner

The Mayor may designate ranking officers to serve in the capacity of Commander of Police or Traffic Commissioner who shall perform the duties of the Commanding Officer and such other responsibilities as assigned by the Chief.

#### 1.04 Captain of Police

Captains may be assigned any administrative and management duties and responsibilities that the Chief of Police may designate.

They shall thoroughly familiarize themselves with all applicable federal statutes, state laws, municipal ordinances, rules, General Police Orders, Divisional Notices and memorandums of the Division, and be responsible for their strict observance and enforcement, causing full compliance by subordinates.

They shall require that the work assigned to their subordinates be fully discharged by them in accordance with the responsibilities of their respective ranks and duties.

#### 1.05 Lieutenant of Police

Lieutenants shall be assigned as officers in charge of platoons, sections, or units within the Division of Police or such other supervisory duties as the Chief of Police may designate.

They shall be responsible for the discipline of each subordinate under their command and shall make frequent inspections of subordinates in regards to their appearance, conduct and performance in handling complaints and police duties, as well as inspecting equipment and vehicles assigned to their use.

They shall thoroughly familiarize themselves with all applicable federal statutes, state laws, municipal ordinances, rules, General Police Orders, Divisional Notices and memorandums of the Division, and be responsible for their strict observance and enforcement, causing full compliance by subordinates.

1.06 Sergeant of Police

Sergeants shall be assigned as officers in charge of stations or units within the Division of Police or assigned as sector supervisors in the basic patrol section and perform such other supervisory duties as the Chief of Police or their commanding officer may designate.

They shall have immediate control of the personnel under their supervision and shall be responsible for their discipline, appearance and general good conduct. They shall assist and instruct subordinates in the performance of their duties and continually seek to improve the efficiency of their performance.

They shall thoroughly familiarize themselves with all applicable federal statutes, state laws, municipal ordinances, rules, General Police Orders, Divisional Notices and memorandums of the Division, and be responsible for their strict observance and enforcement, causing full compliance by subordinates.

1.07 Patrol Officer

Patrol Officers shall be held responsible for the good order of their assignment and shall be prepared at all times to inform their superior officers of the conditions of their post, beat, or zone.

They shall be under the immediate supervision of the head of the administrative unit to which assigned. They shall perform such duties and work such hours as designated by their superior officer. They shall cooperate with all other personnel in the performance of police duties.

They shall acquire a thorough knowledge of the criminal laws and the rules of evidence so that they may carry out their duties in an efficient manner.

1.08 Detectives

Detectives shall be assigned to administrative units responsible for conducting follow-up investigations and shall work such hours and perform such other duties as the Chief of Police or their commanding officer may designate.

They shall be responsible for the investigation of all criminal offenses; the detection,

arrest and prosecution of criminals; the collection, preservation and analysis of evidence; the recovery of lost and stolen property; and the representation of the Division of Police in extradition proceedings.

They shall familiarize themselves with the appearance and descriptions of known criminals, their hangouts, habits, associates, and modes of operation. They shall acquire a thorough knowledge of the criminal laws and the rules of evidence so that they may carry out their duties in an efficient manner.

They shall not construe that being assigned to special investigational duties relieves them of their responsibility for taking prompt action upon observance of any violation of laws or regulations.

1.09 Non-Sworn Personnel

Non-sworn personnel shall be under the control of their immediate supervisor.

For supervisory and disciplinary purposes they shall be governed by the Rules, General Police Orders, Divisional Notices and other directives of the Division of Police.

They shall not be empowered to make physical arrests nor authorized to carry firearms in the course of their duties.

## II. ADMINISTRATIVE COMPLIANCE

- 2.01 Personnel shall not violate any law of the United States, the State of Ohio, Charter provision or ordinance of the City of Cleveland, or neglect to perform any duty required by law, nor shall they engage in any conduct that would constitute a crime under the laws of the United States, the State of Ohio, or the Charter provisions or ordinances of the City of Cleveland.
- 2.02 Personnel shall not willfully disobey any rules, General Police Orders or directives of the Division of Police, or any lawful orders, written or oral, issued to them by a superior officer of the Division of Police.
- 2.03 Personnel shall perform all duties required by rules, General Police Orders, directives, or orders of the Division of Police.
- 2.04 Personnel shall study all rules, General Police Orders and directives pertaining to their duties, and shall be held accountable for any action contrary to these instructions.
- 2.05 Personnel shall be responsible for maintaining a complete and current set of General Police Orders *either as a paper copy or in electronic format*.
- 2.06 Personnel shall not be insubordinate to a superior officer. Insubordination includes, but is not limited to, any language, action or inaction directed toward a superior officer that is disrespectful, mutinous, insolent or abusive.
- 2.07 Personnel shall give immediate obedience to all lawful orders of a superior officer. When a conflict is apparent, it shall be the duty of the personnel knowing of such conflict to so apprise the superior issuing the latest order.
- 2.08 Personnel shall effect or comply with all communications and transmittals of information, both written and oral, through the chain of command, unless specifically exempted by the Chief.
- 2.09 Personnel shall not issue any message within the Division of Police without the authorization of the Chief of Police or designated Acting Chief. If the Chief and Acting Chief are unavailable in emergency situations, the commanding officer of the personnel involved shall use sound judgment and discretion in deciding whether to grant authorization.
- 2.10 Personnel shall familiarize themselves with all directives issued by the Chief of Police. Personnel absent from duty for any reason shall familiarize themselves with all orders and notices issued during their absence.
- 2.11 Personnel shall maintain a *telephone number* by which they may be contacted if so necessary due to a Division operational need.

- 2.12 Personnel shall promptly notify their superior officer of any change in their telephone number or home address by a written report that shall be forwarded through the chain of command to the appropriate administrative destination.
- 2.13 Superior officers shall recommend disciplinary action whenever personnel are alleged to have violated the rules or directives of the Division of Police. Command or Superior officers shall relieve from duty for cause any officer or employee of the Division of Police found to be unfit for duty, promptly notify their superior officer of such action and forward a report giving full details concerning the matter.
- 2.14 The following are additional grounds for disciplining personnel, including removal, in addition to the grounds stated in Civil Service Commission rule 9.10:
  - a. Incompetence
  - b. Gross neglect of duty
  - c. Gross immorality
  - d. Habitual drunkenness
  - e. Failure to obey orders given by proper authority
  - f. Any other reasonable and just cause

### **III. ETHICS**

- 3.01 Personnel shall not under color of law, interfere with or attempt to influence the lawful business of any person.
- 3.02 Personnel shall not under color of law, render assistance in civil matters other than referral to civil authorities except to prevent an immediate breach of the peace or to quell a disturbance already commenced.
- 3.03 Personnel shall not recommend or suggest to prisoners or to persons coming in contact with them through their official capacity, the employment or name of any person as attorney, counselor or bondsman.
- 3.04 Personnel shall not become bail for any person arrested unless said person is a member of their immediate family.
- 3.05 Personnel shall not expend money or incur financial obligations in the name of the Division of Police without the authorization of the Chief of Police.
- 3.06 Personnel shall not initiate visits or correspondence affecting or pertaining to the operation of the Division of Police, with the office of the Mayor, Director of Public Safety or other public official without the authorization of the Chief of Police through the chain of command.
- 3.07 Personnel shall not use their position, badge or credentials for personal gain.
- 3.08 Personnel shall not solicit or accept from any person, business or organization any compensation, gift or other thing of value for personal benefit or to influence performance or nonperformance of an official duty, act or service.
- 3.09 Personnel whose duties involve the operation of a motor vehicle shall promptly notify their immediate supervisor in writing of any loss or change of their driving privileges.
- 3.10 Personnel who become subject to arrest or are called before any court for any criminal or traffic proceeding arising from incidents outside the scope of their employment shall promptly notify their immediate supervisor in writing. This includes personnel who are returning from any unpaid status (e.g. a leave of absence, suspension, or layoff).
- 3.11 Personnel shall promptly report in writing all of the facts pertaining to any litigation in which the City is or may become a party because of their official acts or conduct, along with the original copy of all legal service had on them.
- 3.12 Personnel shall be truthful and unbiased in all written reports, verbal reports, court testimony and conversations affecting the Division of Police, its officers and employees or persons under its jurisdiction.

#### **IV. DUTY**

- 4.01 Officers shall protect life and property, prevent crimes, detect, arrest and prosecute offenders, preserve the public peace and enforce laws and ordinances within the scope of their job classifications and in accordance to law.
- 4.02 Officers at the scene of an alleged serious crime shall exercise every precaution to prevent the destruction, impairment, disturbance or removal of any evidence, the personal effects and surrounding property and objects so that everything possible may be kept intact until it is noted, examined and/or photographed by personnel trained and equipped to perform such duties.
- 4.03 Personnel shall give full attention to the performance of their duties.
- 4.04 Officers shall use deadly force only as governed by Division of Police policy and directives.
- 4.05 Officers shall use only the amount of force reasonably necessary to effect the arrest and detention of subjects as governed by Division of Police policy and directives.
- 4.06 Personnel shall patrol the territory, handle the investigative tasks, or handle the administrative tasks as required by their post or assignment.
- 4.07 Personnel shall remain in the district, territory, or jurisdiction to which they are assigned. Personnel needing to leave their territory for reasons of police necessity shall request permission of their superior officer to do so.
- 4.08 Personnel shall perform any other duties that may be directed to them by their superior officer.
- 4.09 Officers shall respond to urgent and emergency assignments in their immediate vicinity without being assigned by the radio dispatcher unless otherwise on an assignment of equal or greater urgency.
- 4.10 Personnel shall advise the radio dispatcher immediately of any incident, event or occurrence that may indicate the beginning of a significant civil disturbance, disaster, catastrophe or other police incident of a serious nature.
- 4.11 Personnel shall act immediately in every instance that comes to their attention where police assistance is required.
- 4.12 Personnel shall be considered to be on duty at all times for purposes of discipline.
- 4.13 Personnel shall furnish their name, rank, and badge number to any person who may request it.
- 4.14 Personnel shall give assistance to injured and sick persons and obtain proper transportation to the nearest hospital.

- 4.15 Officers making an offense/incident report or handling an investigation in which any person is confined in a hospital shall make a reasonable attempt to notify a relative. If notification is not possible, officers shall advise the Report Intake/Review Unit to place the person on the "Hospital List." If the relative lives outside the city, Report/Intake personnel shall arrange with other police departments to notify the relative.
- 4.16 Personnel shall direct traffic when required or directed.
- 4.17 Officers shall execute warrants and serve subpoenas in a lawful manner.
- 4.18 Officers shall investigate all reports of suspected criminal activity and non-criminal incidents requiring police action that come to their attention whether by observation, assignment or information.
- 4.19 Only one officer shall be in charge when two or more officers are acting in concert on a police task. Absent a superior officer, the senior officer at the scene shall be in charge and assume responsibility for the proper action and reports.
- 4.20 *Off-duty officers involved in a motor vehicle accident as a driver within the jurisdiction of the City of Cleveland shall contact the Communications Control Section to request a supervisor from the Police District of occurrence to respond to the scene.*



## **V. BEHAVIOR**

- 5.01 Personnel shall not engage in any conduct, speech or acts while on duty or off duty that would reasonably tend to diminish the esteem of the Division of Police or its personnel in the eyes of the public.
- 5.02 Personnel shall not engage publicly in any disparaging conversation detrimental to the Division of Police or its personnel, or representing policy as being other than as stated in the rules, General Police Orders, Divisional Notices, and memorandums.
- 5.03 Personnel shall not engage directly or indirectly in the dispensing of intoxicating liquors or alcoholic beverages within the scope of their official duties.
- 5.04 Personnel shall not consume alcoholic beverages while on duty or in uniform nor report for duty intoxicated.
- 5.05 Personnel shall not bring intoxicating beverages or controlled substances into any Divisional building, boat or vehicle, or permit same to be brought therein, except as required in the performance of police duty.
- 5.06 Personnel shall not report for duty while under the influence of any drug or substance that adversely affects their physical or mental faculties.
- 5.07 Personnel shall not use or possess any drug or substance that is forbidden by law, unless it is of the dosage prescribed by a physician in his regular course of treatment, and in accordance with any prescription warnings.
- 5.08 Personnel shall conduct themselves in such a manner as to command the respect of the public.
- 5.09 Personnel shall be courteous and respectful in their speech, conduct, and contact with others.
- 5.10 Personnel shall not be a witness for the defense in any criminal prosecution or civil matter in which the Division of Police is involved except on subpoena lawfully issued, and only upon written notification to the Chief's office.
- 5.11 Personnel shall not use epithets, terms or words which tend to denigrate any person(s) due to their race, color, creed, ethnicity, country or region of origin, or sexual orientation except as is necessary when quoting in police reports or testimony.
- 5.12 Personnel shall remain awake and alert while on duty.
- 5.13 Officers shall use or handle their firearms only in a safe, proper, and authorized manner.
- 5.14 *Superior officers shall not fraternize with subordinates in their chain of command in a manner that corrupts the integrity of the superior-subordinate command structure relationship, as evidenced by the appearance of favoritism or coercion in the superior officer's decision making.*

## **VI. VEHICLES AND EQUIPMENT**

- 6.01 Personnel shall not use police vehicles or any police equipment without permission of their superior officer, unless on duty and in the proper performance of police duties.
- 6.02 Personnel shall not permit any person or property to be conveyed in a city vehicle, except in the performance of their official duties or with prior approval.
- 6.03 Personnel shall operate police vehicles in a safe and lawful manner.
- 6.04 Personnel shall inspect their vehicle and its equipment at the commencement of their tour of duty, promptly reporting in writing to their immediate superior any damage, loss or irregularity.
- 6.05 Personnel shall be held responsible and accountable for the proper care, maintenance, serviceability, cleanliness and safekeeping of all police vehicles, equipment and property in their care.
- 6.06 Personnel shall immediately report to their superior officer the loss, theft or damage of any police equipment entrusted to their care.
- 6.07 Personnel shall reimburse the city within thirty (30) days for the loss of city property issued to them. If said property is later recovered in good condition they shall be reimbursed the amount paid.

## **VII. COMMUNICATION**

- 7.01 Personnel shall acknowledge and accept all calls directed to them by the radio dispatcher unless directed otherwise by a superior officer and use time announcements from the radio dispatcher for their official reports and duty reports when applicable.
- 7.02 Personnel shall respond to all calls by stating their radio call number and location.
- 7.03 Personnel shall report arrival time to the radio dispatcher immediately upon arriving at the location of a radio assignment.
- 7.04 Personnel shall advise the radio dispatcher of their activities, the progress of any investigation and the preliminary descriptions of any persons, property and motor vehicles wanted in connection with the investigation.
- 7.05 Personnel shall promptly notify the radio dispatcher when they have completed an assignment or when resuming patrol after returning to headquarters.
- 7.06 Personnel shall notify the radio dispatcher and their superior officer when they return to their headquarters for any reason, including to report off duty.
- 7.07 Personnel shall answer police telephones promptly and identify themselves by name, rank, unit, and in compliance with Divisional procedures.

## **VIII. PRISONERS**

- 8.01 Personnel shall convey prisoners to the place of detention without unnecessary delay and by the most direct route.
- 8.02 Personnel shall search all persons who are physically arrested as governed by Divisional directives.
- 8.03 Personnel transporting prisoners shall thoroughly search all prisoners prior to placing them in a police vehicle. Handcuffing of prisoners is mandatory for all felony arrests.
- 8.04 When a prisoner is booked, a computer inquiry shall be made for any existing warrants, wants, or holds, and if found, the prisoner shall also be booked on such additional charges or held for the proper authority.
- 8.05 Personnel booking prisoners shall make a complete inventory of a prisoner's property before placing them in a jail cell; all money, valuables and articles, which may be used for personal injury or defacement of the jail, shall be taken with the proper receipts issued.
- 8.06 Money, property, and contraband taken from a prisoner and held as evidence shall be recorded in the Property Book and a receipt issued to the prisoner.
- 8.07 Personnel shall comply with all laws and Divisional directives concerning strip searches and body cavity searches.
- 8.08 In the event that a prisoner becomes ill, injured or dies in jail or custody, the personnel responsible for the prisoner shall notify their superior officer. That superior officer shall ensure that notifications are made and a complete investigation of the incident is conducted in accordance with Divisional procedures.

**IX. REPORTING/CONFIDENTIAL INFORMATION**

- 9.01 Personnel shall report in writing any violation of state law or city ordinance coming to their attention which does not require immediate action.
- 9.02 Personnel shall report in writing any knowledge of suspicious persons residing or operating within the territory to which they are assigned, or any place suspected of being used for an unlawful purpose.
- 9.03 Officers shall make written reports and notify their supervisor regarding any injury to persons or damage to property coming to their attention which occurs on streets or public property of the City of Cleveland. The supervisor of the reporting officer shall arrange for photographs in all cases in which the City of Cleveland may be liable.
- 9.04 Officers of the Basic Patrol Section within Field Operations shall make the initial offense/incident report, unless otherwise directed.
- 9.05 When an investigation substantiates the need for an official report, the investigating officer shall promptly complete and forward the report in accordance with current Divisional procedures.
- 9.06 When officers of any other bureau conduct an investigation without the assistance of the Basic Patrol Section, the investigating officers shall make the official report.
- 9.07 Personnel shall report on all matters referred to or investigated by them. Such reports may be either verbal or written as their superior officer may direct.
- 9.08 Personnel, before reporting off duty, shall complete all written reports as may be required on all matters that come to their attention or are assigned to them for investigation during their tour of duty.
- 9.09 Where necessary, written reports shall bear the full name, rank, title or badge number and signature of the preparing officer. Reports shall be reviewed for accuracy, completeness and conformity to rules and where necessary, signed by a superior officer.
- 9.10 Personnel shall address reports to their superior officer and forward them through the chain of command.
- 9.11 Personnel shall not erase or delete entries in official records. Necessary corrections shall be made by drawing a single line through the error in such a way that the original entry can still be read. The correction shall then be initialed by the reporting officer.
- 9.12 Personnel shall submit all oral or written reports in a complete and timely manner through the chain of command.
- 9.13 In the transaction of Divisional business, all reports and communications shall be prepared, handled and treated as confidential in accordance with the procedures of the Division of Police.

- 9.14 *Division employees shall not access, nor make a transcript of, a record from a document, file, or database in the care and custody of or approved for use by the Division of which the member is not privileged to do so or allow another person to do the same without privilege to do so, except where permitted by existing procedure or unless so directed by the Chief of Police or the Chief's designated representative.*
- 9.15 *Division employees shall not obtain for personal use or otherwise disseminate any information that is derived from a file or database maintained by or approved for use by the Division unless such action is necessitated by a legitimate law enforcement activity or function.*
- 9.16 *Division employees shall not alter, nor add or cause deletions to, a document, file, or database, electronic or otherwise, including audio, pictures, or video that are in the care and custody of or approved for use by the Division of which the member is not privileged to do so or allow another person to do the same without privilege to do so.*

**X. SCHEDULE AND DUTY HOURS**

- 10.01 Personnel shall work such hours as assigned, report promptly for duty at the time and place assigned, and shall not be absent from duty without permission from their superior officer.
- 10.02 Personnel shall receive a superior officer's approval for any deviation from an assigned vacation class schedule, furlough or duty hours.
- 10.03 Personnel shall restrict overtime to the absolute minimum required in the performance of official duties and as determined essential to meet the Division's needs. Overtime shall require their supervisor's approval.

## RULES INDEX

<b>A</b>		Divisional business; confidential	9.13
Absence; familiarize directives	2.10	Divisional records, access/transcript	9.14
Absent from duty; permission superior	10.01	Driving privileges loss; notify superior	3.09
Accountable; study rules, etc.	2.04	Drugs/influence; shall not rpt. for duty	5.06
Act immediately; assistance required	4.11	Drugs; shall not use/posses if forbid by law	5.07
Address; notify change	2.12	Duties; perform additional, etc.	4.08
Advise dispatch of riot, etc.	4.10	Duties; perform	4.06/2.03
Alcoholic beverages into Div. bldg., etc.	5.05	Duty; absent from, permission superior	10.01
Alcoholic beverages, shall not consume	5.04	Duty hours; deviation, approval superior	10.02
Alcoholic beverages; shall not dispense	5.03	Duty; report for promptly	10.01
Arrest of personnel	3.10	<b>E</b>	
Assigned territory; patrol	4.06	Emergencies; respond to, etc.	4.09
Attention to duties	4.03	Enforce laws and ordinances, etc.	4.01
Awake/alert on duty	5.12	Epithets, words; denigrating, shall not use	5.11
<b>B</b>		Equipment; personnel responsible for, etc.	6.05
Badge, name; shall furnish	4.13	Equipment; report loss, damage, etc.	6.06
Bail; shall not become	3.04	Equipment; shall not use without premise.	6.01
<b>C</b>		Erasures in records	9.11
Captain's duties	1.04	Evidence preservation/crime scene	4.02
Chain of command	2.08	<b>F</b>	
Chief's duties	1.01	Firearms; handle carefully, proper, etc.	5.13
City involved litigation; shall report	3.11	Force; use of	4.05
City property; reimburse for loss/damage	6.07	<i>Fraternization</i>	5.14
City vehicle; convey official duties, etc.	6.02	Full time attention to duties	4.03
Color of law; civil matters	3.02	Furlough deviation; approval superior	10.02
Color of law; influence	3.01	Furnish name, badge, etc.	4.13
Commander's duties	1.03	<b>G</b>	
Conduct; diminish esteem	5.01	General Police Order notebook; maintain	2.05
Conduct/speech, courteous/respectful	5.09	<b>H</b>	
Conduct to command respect of public	5.08	Hospital list/notification relative	4.15
Confidential communications	9.13	Hours; work as assigned	10.01
<i>Confidential information</i>	9.14/9.15/9.16	<b>I</b>	
Controlled substance into dept., bldg., etc.	5.05	Influence; color of law	3.01
Corrections to records	9.11	Influence drugs, shall not rpt. for duty	5.06
Crime scene/preserve evidence etc...	4.02	Influence performance; solicit to	3.08
Criminal conduct	2.01	Injured persons; assist/transport	4.14
<b>D</b>		Insubordination	2.06
Deadly force; use of	4.04	Intoxicated, shall not rpt. for duty	5.04
Denigrating epithets, words; shall not use	5.11	Intoxicating liquors; shall not consume	5.04
Deputy Chief's duties	1.02	Intoxicating liquors; shall not dispense	5.03
Detectives Duties	1.08	Investigate all reports criminal acts, etc.	4.18
Diminish esteem; shall not, etc.	5.01	Issuance of Messages within Div.	2.09
Direct traffic when required	4.16	<b>J-L</b>	
Disciplinary action; superior recommend	2.13	Lawful orders; obedience to	2.07
Discipline; Civil Service Rules	2.14	Lieutenant's duties	1.05
Discipline; on duty at all times	4.12	Litigation; reporting of, City involved	3.11
Disobey rules, lawful orders, etc.	2.02	<b>M</b>	
Disparaging conversation; shall not, etc.	5.02	Mayor; initiate visits, etc.	3.06
Dispatch; acknowledge/accept all calls, etc.	7.01	Messages; Issuance of within Div.	2.09
Dispatch; advise of activities, descript., etc.	7.04	Money; expenditures of	3.05
Dispatch; notify when assignment complete	7.05	<i>Motor Vehicle Accidents, Duty to Report</i>	4.20
Dispatch; notify when ret. to Dist./off duty	7.06	<b>N</b>	
Dispatch; report arrival to assignment	7.03	Name, badge shall furnish	4.13
District; remain in, etc.	4.07	Neglect of duty required by law	2.01
Directives; familiarize in absence	2.10	Neglect of duty required by rules, etc.	2.03



Non-crim. act; investigate all req. police	4.18	Reports; oral/written, chain of command	9.12
Non-Sworn personnel duties	1.09	Reports; promptly complete and forward	9.05
Notification relative/hospital list	4.15	Reports; review and sign by superior	9.09
<b>O</b>		Reports; shall not erase or delete	9.11
Obedience to lawful orders	2.07	Report in writing; susp. persons/places	9.02
On-duty all times; discipline	4.12	Report in writing violations; no immed.	9.01
Overtime; use absolute minimum req.	10.03	Report on all matters; verbal/written, etc.	9.07
Overtime; supervisor approval req.	10.03	Respect of public; conduct to command	5.08
<b>P</b>		Respond to calls; call number/location	7.02
Patrol Officer's duties	1.07	Respond to emergencies, etc.	4.09
Patrol territory assigned	4.06	Riot, etc.; advise dispatch	4.10
Perform additional duties, etc.	4.08	<b>S</b>	
Personal gain; badge, position, etc.	3.07	Safety Director; initiate visits, etc.	3.06
Personnel charged- criminal/traffic	3.10	Senior officer in charge	4.19
Police assist. req; shall act immediately	4.11	Sergeant's duties	1.06
Police vehicles; operate careful/lawful	6.03	Serious crimes/preserve scene/evid.	4.02
Prisoners; convey without delay, etc.	8.01	Sick persons; assist/transport	4.14
Prisoners; death, injury, ill-notif./invest.	8.08	Speech/conduct; courteous/respectful	5.09
Prisoners; evidence in property book	8.06	Solicit to influence performance, etc.	3.08
Prisoners (felony); shall handcuff	8.03	Study/accountable for rules, etc.	2.04
Prisoners; personnel shall search	8.02	Subpoenas/warrants; shall execute	4.17
Prisoners; property taken/receipt given	8.05	<b>T</b>	
Prisoners; inventory when booking	8.05	Telephones; answer promptly/properly	7.07
Prisoners; search when transporting, etc.	8.03	Telephone/ maintain	2.11
Prisoners; strip searches comply w/law	8.07	Telephone/notify of change	2.12
Prisoners; warrant checks all	8.04	Traffic Commissioner's duties	1.03
Protect life, prevent crimes, etc.	4.01	Traffic; direct when required	4.16
Public Official; initiate visits, etc.	3.06	Truthful/unbiased in reports, etc.	3.12
<b>Q-R</b>		<b>U</b>	
Recommend attorney; shall not, etc.3.03		Unbiased/truthful in reports, etc.	3.12
Records; Divisional, access/transcript	9.14	Use of deadly force	4.04
Reimburse loss/damage; city property	6.07	Use of force	4.05
Remain in District, etc.	4.07	<b>V</b>	
Reports; address to superior officer	9.10	Vacation class	10.02
Report arrival to dispatch	7.03	Vehicles/city; convey, official duties, etc.	6.02
Reports; Basic Patrol to make initial	9.04	Vehicles; inspect/report damage, etc.	6.04
Reports; bear name, badge, signature, etc.	9.09	Vehicles; personnel responsible for, etc.	6.05
Reports, Bureau to make	9.06	Vehicles/police; operate careful/lawful	6.03
Reports; complete before reporting off	9.08	Vehicles; shall not use without permission	6.01
Reports; complete in a timely manner	9.12	Violate law; shall not	2.01
Reports, confidential	9.13	<b>W</b>	
Reports; forward via chain of command	9.10	Warrant checks; all prisoners	8.04
Reports; injury/damage-city property	9.03	<b>X-Z</b>	